



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 28, 2020

REQUEST TO BE FILED UNDER SEAL

E-mail

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
New York, New York 10007

**Re: United States v. Tareck Zaidan El Aissami Maddah, et al.,
No. 19 Cr. 144 (AKH)**

Dear Judge Hellerstein:

The Government writes to provide a further update on the status of the proceedings against Alejandro Javier Marin, the Confidential Source in this case, who was arrested on September 19, 2020. Marin was presented before a Magistrate Judge in the Southern District of Florida on Friday, September 25, 2020. Marin appeared telephonically for the presentment. The Government understands from the U.S. Attorney's Office in the Southern District of Florida that there was no discussion at the presentment of Marin's connection to this case. A removal and detention hearing is scheduled for Wednesday, September 30, 2020.

The Government respectfully requests to update the Court following the September 30 hearing regarding (i) the status of the proceedings against Marin and (ii) the Government's position on whether continued sealing of its letters to the Court on this topic is necessary.

Given this letter's reference to the identity of the Confidential Source and his connection to this case, the Government respectfully submits this letter under seal. Although there has been speculation in press reports that Marin is connected to this case, it has not been confirmed by the

Government or Marin's counsel, and so the Government respectfully submits that the need for sealing articulated by the Government in its letters of September 22 and September 23 currently remains.

Respectfully submitted,

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Acting United States Attorney

By: /s/
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CC: Christine Chung, Esq.
Sabrina Shroff, Esq.
Alexei Schacht, Esq. (Attorney's Eyes Only Basis)¹

¹ Yesterday, Alexei Schacht, Esq. filed a Notice of Appearance for Samark Lopez Bello, who remains a fugitive in this case. Mr. Schacht has agreed to receive this letter on an Attorney's Eyes Only basis, with the understanding that the Government may seek to make future sealed filings in this case on an *ex parte* basis with respect to Lopez Bello given, among other things, Lopez Bello's fugitive status and related safety concerns. The Government notes that it remains unclear what, if any, motion Mr. Schacht could advance at this time in these proceedings given his client's refusal to submit to the authority of this Court. *See United States v. Turkiye Halk Bankasi A.S.*, 426 F. Supp. 3d 23, 39 (S.D.N.Y. 2019) ("The fugitive disentitlement doctrine disentitles a defendant to call upon the resources of the Court for determination of its claims while it remains a fugitive. A defendant who fails to appear in the first instance or absconds during the course of ongoing criminal proceedings flouts the authority of the court." (internal quotation marks and alterations omitted)).